UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,337	07/07/2003	Steven Moder	590282001400	8764

25226 7590 10/23/2006		EXAMINER
MORRISON & FOERSTER LLP		PILLAI, NAMITHA
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PALO ALTO, CA 94304-1018	ART UNIT	PAPER NUMBER
	2173	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/615,337	MODER ET AL.
	Examiner	Art Unit	
	Namitha Pillai	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 July 2006</u>.

2a) ☒ This action is **FINAL**.　　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>8-19</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>8-19</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The Examiner acknowledges Applicant's submission on 7/21/06 including

amendments to claims 8, 10-12, 14-16 and 18. All pending claims have been rejected

as being obvious over prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 8-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over International Publication WO 99/59337 (Parish, Craig), herein referred to as Parish

and U. S. Publication No. 2003/0160813 A1 (Raju).

Referring to claim 8, Parish discloses a method for transmitting media content

from an editing system at a source location to a target location (page 3, lines 11-14).

Parish discloses displaying the media content including playing audio content at about

the same time at both the target and source location (page 5, lines 10-12), wherein the

media content is displayed at the base and remote sites simultaneously along with the

audio related to it. Parish discloses transmitting spoken audio from a user of the editing

system at the target location to a user at the source location (page 7, lines 10-20),

where the video conferencing system and its audio components allow the users to

speak into a microphone and communicate between each other from the remote and

base sites. Parish discloses providing microphones at both source and target locations

allowing both sets of users to communicate spoken audio and specifically transmit

sp0ken audio from the target location to the source location. See page 10, lines 12-16.

Parish discloses manipulating from the target location a level of the audio content as

played at the source location (page 14, lines 20-24), wherein Parish teaches

manipulation of the transmitted audio content, the content level being manipulated in a

distinct format at the target location. Parish discloses manipulating from the target

location a level of the transmitted spoken audio as played at the source location,

thereby to facilitate conversation between the users (page 13, lines 19-24), Parish

teaching that transmitted spoken audio is further manipulated by level to be output at

the remote site, wherein Parish teaches further manipulation that is done to change the

level of the audio spoken. Parish discloses manipulating the audio data format when

audio data is transmitted between source and target locations (page 8, lines 9-20). In

order to properly transmit and output the audio data that is spoken, audio data spoken

at the source or target location is manipulated to a distinct format representing changes

in level and then further transmitted to the source and target locations to be properly

output to the users at the location to hear the spoken word from the speaker who may

be at the source or target locations. Parish does not disclose manipulating by an

operator at a target location a volume of the audio content played to a user at a source

location, including the volume of the transmitted spoken audio. Although Parish

discloses manipulating audio related to content to be played and spoken audio, Parish

does not disclose allowing an operator at a target location to manipulate the volume of

audio at a source location. Raju discloses providing a user interface in a conferencing system, where the user interface can be manipulated to remotely operate another computer system (page 1, paragraph 7). Raju specifically discloses allowing the user at a target location to manipulate the volume of audio content played to a user at a source location (page 3, paragraph 30). Therefore, Raju discloses remotely changing the volume levels of audio. It would have been obvious for one skilled in the art at the time of the invention to learn from Raju to remotely operate the volume of the audio at a source location from a target location. Both Parish and Raju disclose a conferencing system where audio data is transmitted, with Raju further teaching that the volume of the audio can be remotely operated to affect the volume of audio data at a separate location. Therefore, it would have been obvious for one skilled in the art at the time of the invention to learn from Raju to remotely operate the volume of the audio from a target location at audio at the source location.

Referring to claim 9, Parish discloses that transmitting spoken audio is over a video conferencing system (page 5, lines 10-20).

Referring to claim 10, Parish discloses adding at least one of graphics, text, or other information to the transmitted media content in conjunction with the video conferencing (page 18, lines 7-11), wherein annotating the media content teaches adding information to the transmitted media content. Parish in general teaches editing media data in conjunction with video conferencing wherein annotations and transmission of data, communication between users would be carried out through video

conferencing therefore any form of editing would be carried out in conjunction with video conferencing.

Referring to claims 11 and 15, Parish does not disclose that manipulating the transmitted audio content volume includes increasing, decreasing, or muting the audio volume as played at the source location. It is notoriously well known to one skilled in the art, at the time of the invention to disclose that manipulating audio volumes includes increasing, decreasing, or muting the audio level, wherein these represent volume adjusters found in various operating systems of computer systems to adjust the volume to a desired level by the user. Examiner takes Official Notice of this teaching. It would have been obvious for one skilled in the art, at the time of the invention to teach that manipulating the audio content volume includes increasing, decreasing, or muting the audio volume. Parish discloses a system that enables users to listen to audio data, further allowing adjustments made to this audio data, as is common in computer systems, it would have been obvious that a volume adjuster is presented to the user to manipulate the volume desired for a user to listen to the audio content. Hence, it would have been obvious to one skilled in the art, at the time of the invention to manipulate the audio content volume including increasing, decreasing, or muting the audio volume.

Referring to claim 12, Parish discloses a system with an editing system at a source location for the creation of media content including audio (page 3, lines 1-13), wherein Parish teaches an editing system at a source location for the creation of multimedia content which includes soundtrack representative of audio. Parish discloses that the editing system adapted to play back the media content and to transmit the

media content including the audio content to a target location (page 3, lines 11-14).

Parish discloses a video teleconferencing system for transmitting spoken audio from a

user at the target location to a user at the source location (page 5, lines 10-18). Parish

discloses that spoken audio input means is provided to both source and target locations

so that spoken audio can be transmitted from and to both locations (page 8, lines 15-

23). Parish discloses an editing control console at the target location and coupled to the

editing system and to the video teleconferencing system to manipulate from the target

location settings related to the media content, wherein the user interface presented

displays editing means for editing the media component (page 16, lines 17-20). Parish

discloses manipulating from the target location a level of the audio content as played at

the source location and manipulating from the target location of the transmitted spoken

audio as played at the source location, thereby to facilitate conversation between the

users (page 13, lines 19-24), Parish teaching that transmitted spoken audio is further

manipulated by level to be output at the remote site, wherein Parish teaches further

manipulation that is done to change the level of the audio spoken, with the transmitted

spoken audio, to facilitate conversation between the users. Parish discloses

manipulating the audio data format when audio data is transmitted between source and

target locations (page 8, lines 9-20). In order to properly transmit and output the audio

data that is spoken, audio data spoken at the source or target location is manipulated to

a distinct format representing changes in level and then further transmitted to the source

and target locations to be properly output to the users at the location to hear the spoken

word from the speaker who may be at the source or target locations. Parish does not

explicitly teach that an editing console is used for the manipulation of the transmitted audio content. It is notoriously well known to one skilled in the art, at the time of the invention to disclose that an editing console, represented as a control for adjusting the volume of the audio data found in various operating systems of computer systems to adjust the volume to a desired level by the user. Examiner takes Official Notice of this teaching. It would have been obvious for one skilled in the art, at the time of the invention to teach an editing console for adjusting the transmitted audio levels. Parish discloses a system that enables users to listen to audio data, further allowing adjustments made to this audio data, as is common in computer systems and Parish further teaches an user interface that allows for user viewing and manipulation of the data being editing along with the video conference data. It would have been obvious that a volume adjuster is presented to the user to manipulate the volume desired for a user to listen to the audio content, representing the editing console. Hence, it would have been obvious to one skilled in the art, at the time of the invention to present an editing console for manipulating the transmitted audio wherein the volume adjuster presented to the user would serve as this editing console for manipulating the transmitted audio, which is found commonly in various computer systems. Parish does not disclose manipulating by an operator at a target location a volume of the audio content played to a user at a source location, including the volume of the transmitted spoken audio. Although Parish discloses manipulating audio related to content to be played and spoken audio, Parish does not disclose allowing an operator at a target location to manipulate the volume of audio at a source location. Raju discloses

providing a user interface in a conferencing system, where the user interface can be

manipulated to remotely operate another computer system (page 1, paragraph 7). Raju

specifically discloses allowing the user at a target location to manipulate the volume of

audio content played to a user at a source location (page 3, paragraph 30). Therefore,

Raju discloses remotely changing the volume levels of audio. It would have been

obvious for one skilled in the art at the time of the invention to learn from Raju to

remotely operate the volume of the audio at a source location from a target location.

Both Parish and Raju disclose a conferencing system where audio data is transmitted,

with Raju further teaching that the volume of the audio can be remotely operated to

affect the volume of audio data at a separate location. Therefore, it would have been

obvious for one skilled in the art at the time of the invention to learn from Raju to

remotely operate the volume of the audio from a target location at audio at the source

location.

Referring to claim 13, Parish discloses the video teleconferencing system also

transmitting spoken audio from the source location to the target location (page 4, lines

10-13).

Referring to claim 14, Parish discloses that the editing system adds at least one

of graphics, text, or other information to the media content during the video

conferencing (page 17, lines 15-22), wherein annotating the media content teaches

adding information to the transmitted media content. Parish in general teaches editing

media data in conjunction with video conferencing wherein annotations and

transmission of data, communication between users would be carried out through video

conferencing therefore any form of editing would be carried out in conjunction with video

conferencing.

Referring to claim 16, Parish discloses a method for transmitting media content

from an editing system at a source location to a target location (page 3, lines 11-14).

Parish discloses displaying the media content at about the same time at both the target·

and source locations (page 16, lines 15-20), wherein the same media content is ·

simultaneously displayed to all the users of the collaboration system. Parish discloses

manipulating remotely by a user at the target location the editing system at the source

location to control playback of the media content at both locations at the same time

(page 16, lines 15-20), wherein the editing of the media content is the remote

manipulation at the remote site and viewable at other sites wherein the director can

view what is being manipulated at another remote site. The media data that is played is

played simultaneously to both viewers at the source and target locations. Parish

discloses providing a videoconference system linking the target and source locations

(page 4, lines 10-14). Parish does not disclose manipulating by an operator at a target

location the editing system at the source location to control playback of the media

content at both locations at the same time. ·Although Parish discloses playing the media

data at the source and target locations at the same time, Parish does not disclose

manipulating remotely by a user at a target location of the editing system at the source

location. Raju discloses providing a user interface in a conferencing system, where the

user interface can be manipulated to remotely operate another computer system (page

1, paragraph 7). Raju specifically discloses allowing the user at a target location to

manipulate the volume of audio and control how content is played to a user at a source location (page 3, paragraphs 29 and 30). Therefore, Raju discloses remotely manipulating the data that is played by one user at a target location to a user at a source location. It would have been obvious for one skilled in the art at the time of the invention to learn from Raju to remotely operate the content displayed to a user at a source location from a target location. Both Parish and Raju disclose a conferencing system where media data is played and viewed at two different locations, with Raju further teaching that the data can be remotely operated to affect what is presented at a separate location. Therefore, it would have been obvious for one skilled in the art at the time of the invention to learn from Raju to remotely operate the system at a source location from a target location to control what is displayed to the user at the source location.

Referring to claim 18, Parish discloses a system including an editing system at a source location for the creation of media content (page 3, lines 1-13), wherein Parish teaches an editing system at a source location for the creation of multimedia content which includes soundtrack representative of audio. Parish discloses that the editing system is adapted to play back the media content and to transmit the media content to a target location (page 3, lines 11-14). Parish discloses a videoconference system linking the target and source locations (page 4, lines 10-14). Parish discloses an editing control console at the target location coupled to the editing system (page 16, lines 17-20) and displaying the transmitted media content at the target location (page 5, lines 10-18), wherein by the editing control console a user at the target location remotely

manipulates the editing system from the target location, to control playback of the media

content at both locations at about the same time (page 17, lines 15-23 and page 18,

lines 1-3), where Parish discloses an editing user interface that can be manipulated and

playback is controlled based on this user interaction with the editing user interface. The

media data that is played is played simultaneously to both viewers at the source and

target locations. Parish does not disclose manipulating by an operator at a target

location the editing system at the source location to control playback of the media

content at both locations at the same time. Although Parish discloses playing the media

data at the source and target locations at the same time, Parish does not disclose

manipulating remotely by a user at a target location of the editing system at the source

location. Raju discloses providing a user interface in a conferencing system, where the

user interface can be manipulated to remotely operate another computer system (page

1, paragraph 7). Raju specifically discloses allowing the user at a target location to

manipulate the volume of audio and control how content is played to a user at a source

location (page 3, paragraphs 29 and 30). Therefore, Raju discloses remotely

manipulating the data that is played by one user at a target location to a user at a

source location. It would have been obvious for one skilled in the art at the time of the

invention to learn from Raju to remotely operate the content displayed to a user at a

source location from a target location. Both Parish and Raju disclose a conferencing

system where media data is played and viewed at two different locations, with Raju

further teaching that the data can be remotely operated to affect what is presented at a

separate location. Therefore, it would have been obvious for one skilled in the art at the

time of the invention to learn from Raju to remotely operate the system at a source

location from a target location to control what is displayed to the user at the source

location.

3.   Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Parish, Raju and "AUROACORD".

        Referring to claims 17 and 19, Parish does not explicitly disclose that

manipulating remotely includes starting, stopping, fast forwarding, rewinding, and

pausing the playback. It is notoriously well known to one skilled in the art, at the time of

the invention to disclose that manipulating a video includes starting, stopping, fast-

forwarding, rewinding, and pausing the playback, wherein viewing of video data involves

manipulation using these functions. Examiner takes Official Notice of this teaching. It

would have been obvious for one skilled in the art, at the time of the invention to teach

that that manipulating remotely includes starting, stopping, fast forwarding, rewinding,

and pausing the playback. Parish discloses a system that enables users to listen to

view video data, wherein including video systems and means for viewing and

manipulation of video data related to motion picture or television programs. It would

have been obvious that the functions included would be starting, stopping, fast-

forwarding, rewinding, and pausing the playback, for the manipulation of video. Data

involving video information, that is to be viewed and further manipulated especially

including motion picture and television programming data would be manipulated by

starting, stopping, fast forwarding, rewinding, and pausing the playback. Hence, it

would have been obvious to one skilled in the art, at the time of the invention to

manipulate the video data by starting, stopping, fast forwarding, rewinding, and pausing the playback.

Parish does not disclose using a shuttle and jog control at the target location for playback. "AURORACORD" teaches using a jog and shuttle control for playback of media data (page 1, column 1, lines 15-16). It would have been obvious for one skilled in the art, at the time of the invention to learn from "AURORACORD" to use a jog and shuttle control for playback. The use of a jog and shuttle control for playback is well known and further taught in reference "AURORACORD" for playback of media data. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from "AURORACORD" to use a jog and shuttle control for playback of media data.

Response to Arguments

4.   Applicant's arguments filed 7/21/06 have been fully considered but they are not persuasive.

In view of the amendments to claims 8, 12, 16 and 18, a combination of Parish and Raju has been used to reject these claims. Raju discloses a video conferencing system, with a user interface that allows for remote manipulation of a computer system that is located at a separate location. Raju specifically discloses the manipulation of the volume of audio data remotely to affect audio that is played at another computer system. With Parish and Raju both disclosing a conferencing system where audio data is transmitted, there would have been motivation for Parish to learn from Raju to further allow remote manipulation to occur specifically in reference to the volume of audio data.

Furthermore, Raju has clearly defined how a remote operation occurs where user

manipulation at a target location affects what is displayed at a source and target

location, thereby teaching remote manipulation in a conferencing system.

Parish does disclose editing occurring during the conferencing process where

multiple users examine, discuss and then make edits during the videoconference.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Responses to this action should be submitted as per the options cited below: The

United States Patent and Trademark Office requires most patent related

correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand

carried or delivered to the Customer Service Window (located at the Randolph Building,

401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Assistant Examiner
Art Unit 2173
October 16, 2006

RAYMOND J. BAYERL
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ART UNIT 2173